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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 19th July, 1996:—

BILL NO. 31 OF 1996

A Bill to provide for the licensing of private investigators and vest them with certain powers.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Private Investigators Act, 1996.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

1 of 1956

(i) 'company' means a company incorporated under the Companies Act, 1956;

(ii) 'Controller' means the Controller of private investigators in the concerned State/Union territory;

(iii) 'licence' means a licence issued to a private investigator;

(iv) 'licensee' means a person who has been issued a private investigator's licence;

(v) 'Office' means Office of the Controller;

(vi) 'prescribed' means prescribed by rules made under this Act; and

(vii) 'public record' means a register, file or a document that any member of the public is entitled, by virtue of any enactment, to inspect or pursue whether on payment of a fee or otherwise, or from which any member of the public is entitled, by virtue of any enactment, to obtain a copy or extract, whether on payment of a fee or otherwise.

Private Investigator.

3. In this Act, a private investigator means a person who carries on any business, either by himself or in partnership with any other person or persons, whereby, at the request of any person as a client, and not as a member of the public and for consideration, he seeks or obtains information relating to the personal character, accounts or behaviour of any person or the financial position of any person or a company or the occupation or business of any person or identify the whereabouts of any person or investigates any crime or any matter for his client.

Controller of Private Investigators.

4. (1) The Central Government shall, by notification in the Official Gazette, appoint the Director General or the Inspector General of Police of the respective State or Union territory, as the Controller of private investigators.

(2) The Controller shall be assisted by a Deputy Director General or Deputy Inspector General of Police designated as Deputy Controller and such other administrative staff, as may be necessary to enable the Controller to exercise his functions and powers and to perform his duties under this Act.

Maintenance of registers.

5. (1) The Controller shall compile and maintain in his office a register of persons to whom private investigators licences have been issued.

(2) Every such register shall indicate the following:—

(a) the full name, officer /residential address and occupation of every licensee;

(b) the date on which licence was issued;

(c) the date on which the licence is renewed/due for renewal;

(d) the registered office of the licensee and every other place of business specified in the licence;

(e) details including dates of any suspension or cancellation of licence; and

(f) any other matter as may be prescribed.

Licences.

6. No person shall work as a private investigator unless he has been issued a licence to that effect.

Punishment.

7. (1) Any person who contravenes the provisions of section (6) shall be liable to imprisonment for a term not exceeding three months or a fine of rupees ten thousand or with both.

(2) Any person convicted under this section shall be permanently disqualified from applying for a licence during his lifetime.

Application for licence.

8. Any person who wishes to obtain a licence shall apply to the Controller in writing in the form, as may be prescribed, alongwith the prescribed licence fee to be fixed by the Central Government.

9. The Controller may refer any or all applications for licence to the respective local police authority for verification and objection, if any.

**Police Verification before issuance of licence.
Issuance of licence.**

10. (1) Where the Controller is satisfied, in respect of an application for a licence, that provisions of this Act have been complied with and that the applicant is qualified to be a private investigator, he shall issue a licence in the form provided in the Schedule.

(2) The Controller shall issue a receipt for the amount of licence fee collected for issue of a licence.

11. Every licence, unless otherwise terminated earlier in accordance with this Act, shall be valid for a period of one year from the date of issue and shall be renewed for a further term of one year on an application submitted to the Controller fifteen days before the expiry of the previous licence.

Renewal of licence.

12. Every licensee shall produce his licence on demand to—

Production of licence.

(a) the Controller/Deputy Controller;

(b) any member of the police; and

(c) any person with whom he is dealing in the course of transaction of business to which the licence relates.

13. Every licensee who changes his employment shall, within seven days, notify the Controller/Deputy Controller in writing to that effect and also the name and address of his new employer/occupation.

Change in Employment by the licensee.

14. Every licensee shall, at all times, exhibit at a conspicuous place in the place of his business as specified in the licence, the following details:—

Display of licence.

(a) his full name;

(b) a copy of private investigator's licence;

(c) the name(s) of person(s) who are carrying on the business; and

(d) any other information relating to his business.

15. On receipt of a complaint regarding the working of a licensee or on his own, the Controller shall get the facts of such a complaint verified through the local police.

Verification of a complaint.

16. Where a complaint against a licensee has been found to be true on verification, the Controller shall issue a notice to the licensee to explain the charge within seven days and on being satisfied that the explanation given by the licensee is not satisfactory, he shall suspend the licence for a period to be specified or terminate his licence.

Suspension and termination of licensee.

17. Any licence suspended or terminated shall be surrendered to the Controller/Deputy Controller within twenty-four hours of such suspension or termination.

Surrender of licence.

18. An appeal shall lie to the State Government/Union territory Administration against the decision of the Controller.

Appeal.

19. Except on being authorised or required, a person who holds or has held a licence under this Act shall not divulge to anyone, any information acquired by him in the course of the business or employment in respect of which the licence is or was held.

Information not to be divulged.

20. If any license while carrying on his business gets or has access to such information which is prejudicial to the national interest or security or unity and integrity of the country or such information which is likely to create communal disharmony or civil disturbances or riots, he shall pass on immediately such information to the Controller/Deputy Controller.

Private investigator to furnish information prejudicial to national interest, etc.

21. Where on an application, the Controller/Deputy Controller is satisfied that the holder of a licence has lost his licence, the Controller/Deputy Controller, on payment of the prescribed fee, may issue a duplicate of the licence with entries to that effect.

Loss of Licence.

22. In the Code of Criminal Procedure, 1973,—

Amendment of Act No. 2 of 1974.

(i) in section 2, after clause (t), the following clause shall be inserted, namely:—

"(tt) "Private investigator" means any person who has been issued a licence to act as a private investigator under the Private Investigators Act, 1996;" and

(ii) after Chapter XII, the following Chapter and the heading thereunder shall be inserted, namely:—

“CHAPTER XIIA

POWERS OF PRIVATE INVESTIGATORS TO INVESTIGATE CRIME

Private investigator's power to investigate cognizable cases.

Examination of witnesses by private investigator.

Statement to private investigator not to be signed and use of statements in Evidence.

176A. Any private investigator when engaged to investigate any criminal case may, without the order of a Magistrate, investigate the cognizable case.

176B. (1) Any private investigator may, on the basis of information furnished to him by his client or otherwise, investigate or cause to be investigated any crime and for this purpose he may orally examine any person supposed to be acquainted with the facts and circumstances of the case.

(2) If any person makes any statement to private investigator or gives any information during investigation of a case, the private investigator may reduce into writing such statement or information made to him and if he does so, he shall make a separate and true record of the statement or information of each such person.

176C. (1) No statement made by any person to a private investigator in the course of an investigation under this Chapter, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or record or information thereof or any part of such statement or information or record, be used for any purpose, save as hereinafter provided, at any inquiry or trial in respect of any offence under investigation at the time when such statement or information was given:

Provided that when any witness whose statement has been reduced into writing as aforesaid, is called to depose in such inquiry or trial any part of his statement, if duly proved, may be used by the accused and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872; and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

1 of 1872.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of section 32 of the Indian Evidence Act, 1872, or to affect the provisions of section 27 of that Act.

1 of 1872.

Explanation.— An omission to state a fact or circumstance in the statement referred to in sub-section (1) may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact.

No inducement to be offered.

176D.(1) No private investigator shall offer or make or cause to be offered or made, any such inducement or threat or promise as is mentioned in section 24 of the Indian Evidence Act, 1872.

1 of 1872.

(2) No private investigator shall prevent, by any action or otherwise, any person from making in the course of any investigation under this Chapter, any statement which he may be disposed to make on his own free will.

Report of private investigator on completion of investigation.

176E. Every private investigator as soon as an investigation is completed, shall forward to the Magistrate empowered to take cognizance of the offence, a report stating—

- (a) the names of the parties;
- (b) the nature of information;

(c) the names of person who appear to be acquainted with the circumstances of the case;

(d) any such information which in the opinion of the private investigator is required or will be useful in connection with the case.

176F. (1) Every private investigator after submitting a report to the Magistrate shall also forward to the Magistrate alongwith the report—

(a) all documents or relevant extracts thereof on which the private investigator proposes to rely ;

(b) the statements recorded under section 176B of all the persons whom the private investigator proposes to examine or cause to be examined as his witnesses.

(2) The private investigator may furnish to the concerned parties of the case, copies of all or any of the documents referred to in sub-section (1)."

23. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Documents,
etc. are also to
be forwarded
alongwith the
report.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

In our country, crime has been on the increase from day to day. We have not been able either to prevent or to check the rise in crime. Many of the crimes go unnoticed and innocent persons who are victims of such crimes are put to great hardships. Many criminal cases are not solved at all and because of this the persons affected do not get any relief or compensation.

Because of the numerous crimes and a perennial shortage of police officials, the accused go scot free. Moreover, many of the cases are not at all registered by police and because of inefficient and corrupt practices, no case is filed against accused persons and victims are instead harassed by them.

In the recent years, the concept of private investigators has gained momentum. Now a days individuals, companies, business organisations take the services of private investigators for solving their problems. In the existing circumstances, it is high time that private investigators be allowed to practice and be encouraged to carry on the business smoothly although with certain restrictions on their practice.

The number of cases of cognizable crimes has been increasing every year. Statistics prove that in 1953, 9802 murder cases were reported. In 1992, 40105 cases of murder were reported even in cases of rape, kidnapping, abduction, dacoity, robbery, etc., the increase in the percentage has been manifold since 1953 and out of them only a few cases have been solved and accused have been punished. With the existing police force, the increase in crime cannot be checked. The police force has to be supplemented with the services of private investigators. Although, the services of private investigators may prove costly to the poor, yet in certain cases, the community can come forward and collectively help those poor persons and take up their cases effectively.

With this view, it is proposed to legalise the services of private investigators with certain restrictions. In order to arrest the increase in rates of crime, it is proposed to empower the private investigators with the powers of police in the matters of investigation of crimes and trial before Courts.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 26, 1996.

AMAR PAL SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of administrative staff to assist the respective Controller of private investigators. The Bill would, therefore, involve expenditure from the Consolidated Fund of India in respect of Union territories. Moreover, the Central Government shall have to provide financial assistance to State Governments to carry out the provisions of the Bill. An annual recurring expenditure of about rupees fifty lakh is likely to be involved.

Non-recurring expenditure of about rupees ten lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill ...powers the Central Government to make rules to carry out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 34 OF 1996

A Bill further to amend the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and
Commencement.

1. (1) This Act may be called the Criminal Laws (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

AMENDMENTS TO CODE OF CRIMINAL PROCEDURE, 1973

Amendment of
section 156.

2. In section 156 of the Code of Criminal Procedure (hereinafter referred to as the "Code"), in sub-section (1), the following proviso shall be added at the end, namely :—

"Provided that in a case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, the investigation shall be carried out by a police officer not below the rank of a Deputy Superintendent of Police."

3. After section 164 of the Code, the following section shall be inserted, namely :—

"164A. In a case where a woman under the age of twelve years, soon after being subjected to rape makes a statement regarding or relating to any of the circumstances or the events that resulted in the commission of such rape to :

- (a) her parents ; or
- (b) her close relatives; or
- (c) a medical practitioner who has examined her after her subjection to such rape; or
- (d) a Chairperson of a Gram Panchayat or Nyay Panchayat; or
- (e) a police officer not below the rank of a Deputy Superintendent of Police provided that such statement is made by the woman in the presence of persons mentioned in sub-clauses (a) and (b),

such statement shall be admissible as evidence provided that the persons before whom the statement is made testify to it in a court of law."

Insertion of new section 164A.

Statements to be admissible as evidence.

4. In section 173 of the Code, after clause (8), the following Explanation shall be inserted, namely:—

Amendment of section 173.

45 of 1860

"Explanation.—In this section, in every case relating to an offence under clause (f) of sub-section (2) of section 376 of Indian Penal Code, the expression 'magistrate' shall be construed as the 'Court of Session' ".

Amendment of section 193.

45 of 1860

5. In section 193 of the code, the following proviso shall be added at the end, namely:—
"Provided that in case of an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, the Court of Session shall take cognizance of the offence as a Court of Original Jurisdiction.".

Amendment of section 193.

6. In section 207 of the Code,—

Amendment of section 207.

(i) for clause (iv), the following clause shall be substituted, namely:—

"(iv) the confessions and statements, if any, recorded under sections 164 and 164A;" and

(ii) the following explanation shall be added at the end, namely:—

"Explanation.—In this section, in any case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, the expression 'Magistrate' shall be construed as 'Court of Session' "

Amendment of section 231.

7. In section 231 of the Code,—

(i) in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that in any case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, the statement referred to in section 164A shall be construed as deposition of the prosecutrix."; and

(ii) after sub-section (2), the following proviso shall be inserted, namely:—

"Provided that in any case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, the prosecutrix may be allowed to be cross examined only if the Judge for special reasons to be recorded in writing, in his discretion, permits such cross examination".

45 of 1860

45 of 1860

Amendment of
section 301.

8. In section 301 of the Code, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in sub-section (2), in a case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code, if any recognised women's organisation or the parents of the victims or any other person instructs a pleader to prosecute any person in any court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall assist the court and may, after the close of the arguments by the Public Prosecutor or Assistant Public Prosecutor, as the case may be, argue his case before the court.”.

45 of 1860.

Amendment of
section 438.

9. In section 438 of the code, in sub-section (1), the following proviso shall be added at the end, namely:—

“Provided that nothing in this section shall apply in relation to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code.”

45 of 1860.

Amendment of
section 439.

10. In section 439 of the Code, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that nothing in this sub-section shall apply to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code.”.

45 of 1860.

AMENDMENT TO INDIAN EVIDENCE ACT, 1872

Insertion of
new section
32A.

11. After section 32 of the Indian Evidence Act, 1872, the following section shall be inserted, namely:—

1 of 1872.

Statement to be
admissible as
evidence in
certain cases of
rape.

“32A. Notwithstanding anything contained in this Act, a statement recorded under section 164A of the Code of Criminal Procedure, 1973, shall be admissible as evidence in a case relating to an offence under clause (f) of sub-section (2) of section 376 of the Indian Penal Code.”.

2 of 1974.

45 of 1860.

STATEMENT OF OBJECTS AND REASONS

In the background of an increase in cases relating to rape of minor females in recent years, the need for special provisions to be included in the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 has been felt.

The inordinate delay in judicial proceedings and long pendency of cases has often resulted in gross injustice. A need has been felt to reduce the time taken in the trial of cases relating to the rape of minor females.

Under the existing law, the victim of a criminal act has to recount her experience at various times over a long period of time. In the case of minor females who have been raped, this repeated recounting of the experience does not allow time to heal the psychological trauma undergone and does not allow the victim to readjust psychologically.

The law relating to grant of bail to accused persons has been responsible for gross miscarriage of justice in cases where persons accused of rape of minor females are enlarged on bail as a matter of routine. More specially, the law relating to grant of anticipatory bail to such accused persons also requires change.

It has been felt that in the case of crimes relating to rape of minor females, the investigation should be conducted by superior police officers not below the rank of Dy. S.P./A.C.P. to ensure impartial and thorough investigation.

The women's organisations should also be involved in appearing in cases on behalf of victims.

Hence this Bill.

NEW DELHI;
June 27, 1996.

GEETA MUKHERJEE

BILL No. 26 OF 1996

A Bill to provide for a national population policy and for measures to control the population in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the National Population Policy Act, 1996.
(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

National Population Policy.

2. The Central Government shall enunciate a new National Population Policy which shall define the incentives and disincentives, that are both practicable as well as effective, to be given to the citizens within one year of the commencement of this Act.

3. After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

"**8B.(1)** A person shall be disqualified if he procreates more than two living children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the National Population Policy Act, 1996, procreates another living child and thereby the number of living children of that person increases to more than two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than two living children on the date of commencement of the National Population Policy Act, 1996."

4. (1) Any Central Government employee or an employee of a public undertaking who has more than two living children, subject to the provisions of sub-sections, (4) and (5), shall not be entitled to any increment or promotion in service.

(2) Any Central Government employee or an employee of a public undertaking who procreates more than three living children shall be disqualified to continue in service.

(3) Any Central Government employee, who is in occupation of Government accommodation, if procreates more than two living children, subject to the provisions of sub-sections (4) and (5), shall have to pay double the normal rent prescribed for the particular type of Government accommodation allotted to him.

(4) The provisions of sub-sections (1) and (3) shall not apply to those Central Government employees or employees of public undertakings who have more than the prescribed number of living children on the date of commencement of this Act.

(5) The provisions of sub-sections (1) and (3) shall apply to those Central Government employees or employees of public undertakings who, after a period of one year of the coming into force of this Act, procreate another living child and thereby the number of living children of such employees increases to more than the prescribed number.

5. The provisions of section 4 shall apply *mutatis mutandis* to the employees in the private sector.

6. (1) No marriage shall be solemnised between a male, who is less than twenty-four years of age, and a female who is less than twenty years of age.

(2) Any contravention of the provisions of sub-section (1) shall be a cognizable offence and shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to rupees one thousand.

7. Any person who, after a period of one year from the date of coming into force of this Act, procreates more than two living children,—

(a) shall have to pay double the normal charges charged for the supply of water and electricity in the dwelling unit occupied by such person or his family;

(b) the children of such a person shall not be provided with free education or other facilities like hostel accommodation, etc.

(c) shall not be allotted any house or land in a housing scheme launched by either the Union Government or the State Government.

(d) shall not be entitled to become a member of any co-operative society registered under the Cooperative Societies Act, 1912, for the purpose of acquisition of a house or plot of land for construction of a house.

8. Any women, who has two living children, shall be provided with maternity facility in any Government hospital for the birth of her third child if the woman agrees to undergo sterilisation operation after the birth of her third child:

Insertion of new section 8B in Act No. 43 of 1951.

Disqualification on ground of not following small family norm.

Small family norm for Central Government employees, etc.

Application of provisions to employees of private sector.

Minimum age for marriages.

Penalty for not adopting small family norm.

Maternity facilities in certain cases.

Provided that the consent of the husband or any other member of the family or close relative of the women shall not be required for the sterilisation operation.

Incentive to
women employ-
ees.

9. Any woman employee of the Central Government or of a public undertaking, who undergoes sterilisation operation after the birth of her first or second child, shall be given three months additional salary as an incentive.

Eligibility for
receiving ad-
vances at a
lower rate of
interest.

10. Any person having one or two living children who undergoes sterilisation operation shall be eligible to receive advance from a bank or a society at a ten per cent, lower rate of interest than the normal rate of interest.

Bonds to be
given by the
Central Govern-
ment.

11. (1) Any person below the age of thirty-two years, having no son but having only one or two living daughters, who undergoes sterilisation operation, shall be given by the Central Government a bond of the face value of rupees one lakh which shall be encashable after a period of twenty years from the date of issue.

(2) If the person in whose name the bond has been issued dies before its maturity, the legal heirs of the person shall be entitled to receive the amount of the bond at maturity.

Act to have
overriding
effect.

12. The provisions of this Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

India's population is about 900 millions today. With 2.4 per cent. of the global land area, India has about 15 per cent. of the world population, thereby making it one of the most densely populated nation of the world. Although, family planning has been a national programme since 1952, the average annual population growth rate has actually increased from 1.25 per cent. to about 2.20 per cent. during the last 39 years, mainly due to the faster decline in the death rate.

It is projected that by the turn of the century, India shall have three out of the ten most populous cities of the world, and half the population of these cities would be living in slums under squalid conditions. Actually, without massive public contributions for sewerage, water treatment, air-pollution control and perspective planning, living conditions in all urban areas will progressively deteriorate.

An alarming situation is the apathy of the populace to foresee this population explosion time-bomb which is so glaringly reflected in the last elections. None of the candidates in the recently concluded Parliamentary elections raised this most valid issue while campaigning. How can family planning therefore be called a programme with people's involvement?

The need to accommodate the future needs and numbers within the nation's natural capabilities and resources has given rise to unparalleled transformation of human values, social institutions and economic structures. The break-down of civic amenities due to over-crowding law and order situation, unemployment and widening of the gap between the haves and have nots has progressively created an explosive situation. Agricultural land holdings are fast becoming small and uneconomical, the needs for housing are far beyond the available finances and educational facilities are hopelessly inadequate to meet with the existing demands let alone the future ones. There is no balance between population growth and the infrastructure and available opportunities.

Environmentally speaking, the destruction of forests, extinction of species of flora and fauna, spreading of deserts, over-grazing of grasslands, rapid soil erosion and siltation, salinity, rapid lowering of water tables, pollution of air and water, phenomenal growth of slums, food and fire wood shortages and the crises in energy generation and water resources have awesome implication of devastation and destruction of the life support systems. In some cases these are beyond repair.

In a world moving towards working out an optimum human carrying capacity of given regions, based on a population, resource and development inter-relationship, in already densely populated nation like India can hardly expect to achieve a quality of life by adding further to her numbers.

The provisions of the Bill are, therefore, the most effective method to achieve the targeted goal, of net reproduction rate of one by 1995, instead of attaining it in 2000 A.D.

It is estimated that at the rate we are going, we shall reach the goal of "Net Reproduction Rate" of one not in the year 2000 but in the year 2010. In that case, the enactment of this Bill shall hasten the process by 15 years. By so doing, we could reach zero population growth rate by the 21st century instead of the 22nd century and could stabilise our population at around 1200 millions instead of at 1800 millions. Therefore the enactment of this Bill will save the country from a burden of 600 millions additional population.

The laudable goals spelt out in the Directive Principles of State Policy in the Constitution of India can best be achieved if the population explosion is checked. Continuous pregnancies badly effect the health of a woman. The population explosion has added to the poverty of the people and increases the crime rate also. All round progress made by the country has almost been brought to nought by this single factor. Every additional child born, above the projected rate of population growth, is a liability on the scarce resources of the nation. Time has come where taking of some strong measures has become essential

and if such measures are not taken at the earliest the future generations may not forgive us for this lapse.

The Bill offers a comprehensive package deal for facing the challenge and overcoming the problem. There is no other effective way of doing so. The aim of this Bill is to bring about family and social welfare. Adoption of small family norm is necessary to give a good and reasonable standard of living to all concerned irrespective of class, creed, religion or race or section to which they may belong. Checking the population growth rate is not only the responsibility of the Government but of every Indian citizen.

To enable this Bill to have an impact on all sections of the society. The State Governments will have to be moved to introduce corresponding legislation, particularly amending the Panchayat Act, Municipal Act, Co-operative Societies Act, State Civil Service (Conduct) Rules and other related laws in their State Legislatures.

NEW DELHI;
June 26, 1996.

AMAR PAL SINGH

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides that any women employee of the Central Government or of a public undertaking, who undergoes sterilisation operation after the birth of her first or second child, shall be given three months additional salary as an incentive. Clause 11 provides that any person below the age of thirty-two years having no son but having only one or two living daughters who undergoes sterilisation operation, shall be given by the Central Government a bond of the face value of rupees one lakh which shall be encashable after a period of twenty years from the date of issue. The exact number of women employees and of persons who undergo sterilisation and qualify for the incentive or for the bond cannot be given for the present. However, the Central Government will have to incur some expenditure on this account from the Consolidated Fund of India. It is estimated that the annual recurring expenditure of about rupees one crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 27 OF 1996

A Bill to repeal the Armed Forces (Special Powers) Act, 1958.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

- | | |
|---|-------------------------------------|
| 1. This Act may be called the Armed Forces (Special Powers) Repeal Act, 1996. | Short title. |
| 2. The Armed Forces (Special Powers) Act, 1958, is hereby repealed. | Repeal of Act
No. 28 of
1958. |

STATEMENT OF OBJECTS AND REASONS

The Armed Forces (Special Powers) Act, 1958 was enacted in September 1958 to meet an extraordinary situation prevailing in the then Naga Hills District of Assam State. Moving the Bill in Lok Sabha, the then Home Minister, Shri G.B. Pant, had stated "It is a simple measure. It does not create any new offences. It only provides for the protection of the army when it has to deal with hostile Nagas".

There has since been a sea change in the situation in the region where this law was to be applied. The geographic profile as well as the political culture of the entire area have changed, creating a completely different situation from the one this law was expected to deal with. Nagaland is now a full fledged State with a popularly elected Government. In the circumstances, a law that was meant "to deal with hostile Nagas" has become totally redundant.

The continuance of this law and the subsequent extension of its provisions to other parts of the country has created piquant situations in which the army finds itself at war with the citizens of India. This is bound to adversely affect the morale of the citizens as well as the army. No army should be pushed into situations of war with the people of the country it is created to protect.

The Bill seeks to recognise the changed realities in the Naga Hills and the new situations in other parts of the country and repeal the law that has become redundant and dangerous.

NEW DELHI;
June 17, 1996.

GEORGE FERNANDES

BILL No. 25 OF 1996*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1996.

Short title.

2. In article 312 of the Constitution, in clause (2),—

Amendment of
article 312.

(i) for the word “services”, wherever it occurs, the word “service” shall be substituted; and

(ii) the words “and the Indian Police Service” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Indian Police Service is the legacy of British rule over India. The British used its armed forces and the police to keep the Indian people under subjugation. The legitimisation of this oppressive arm of British imperial rule in free India has had disastrous consequences for the law and order situation in the country.

The police force is concerned with maintaining law and order in local areas under its jurisdiction and in investigating crimes. Both these functions are essentially of localised nature and do not require in all India Service consisting of bureaucracy, a drag on the nation's exchequer.

With the panchayati raj institutions now enshrined as a part of the Constitution, recruitment and administration of police should be entirely in the hands of the panchayats and the Municipal bodies including Municipal Corporations. This will make the police responsive to people's expectations as they will be accountable to the community which recruits them and pays them. Law and order will improve and crime control and crime investigation will become easier.

In large Metropolitan areas, there should be several police districts to enable the decentralised functioning of the police and to ensure their accountability to the community.

Hence this Bill.

New Delhi;
June 17, 1996.

GEORGE FERNANDES

BILL No. 38 OF 1996

A Bill to provide for right to work for all citizens who have attained the age of eighteen years but have not attained the age of sixty years.

BE it enacted by Parliament in the Forty seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Work Act, 1996.

Short title and commencement.

(2) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, 'State' includes the Central Government, the State Government and all local or other authorities within the territory of India or under the control of Government of India.

3. All citizens who have attained the age of eighteen years but have not attained the age of sixty years shall have the right to work.

Right to Work.

Explanation.— For the purposes of this section, "right to work" means provision of employment in public services or opportunities and facilities for self-employment or in private service.

4. (1) It shall be the duty of the State to take necessary measures to ensure that every citizen has equal and adequate opportunity to work.

Government to take steps to provide employment.

(2) The State shall arrange its economic and developmental priorities and organise public investment in such a manner so as to ensure the achievement of the objectives referred to in section 3.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Article 41 of the Constitution of India directs the State, among other things, to make effective provisions for securing the right to work, within the limits of its economic capacity and development. For want of any mandatory provision in the Constitution, this article has remained only on paper nearly 47 years after the Constitution was enacted.

In recent years, employment situation has deteriorated and hopes of getting employment are receding everyday despite various assurances of creation of new avenues of work. Only when the State is directed to reorder its priorities and reorient its developmental and economic programmes it will be possible to secure work for the several crore jobless people in the country.

If immediate measures are not taken to ensure work to the jobless, the social fabric of the nation is bound to break setting in motion tragic events that may endanger our nation's survival.

Hence this Bill.

NEW DELHI;
June 17, 1996.

GEORGE FERNANDES

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that all citizens who have attained the age of eighteen years but have not attained the age of sixty years shall have the right to work. To achieve this objective, jobs have to be created and facilities have to be provided for self-employment. The expenditure to be incurred in respect of creation of jobs and facilities of self-employment in States will be borne by the respective State Governments.

However, no special funds will need to be allocated by the Central Government for this purpose. Reordering the budgetary allocations will enable the Government to fulfil the objectives of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 33 or 1996*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1996.

Short title.

2. In article 80 of the Constitution, after clause (5), the following clauses shall be inserted, namely:—

Amendment of Article 80.

“(6) Out of the total number of members elected or nominated, as the case may be, under clause (1), not less than one-third shall be women:

Provided that such States and Union territories which have only one seat allotted to them in accordance with the Fourth Schedule shall elect a woman member every alternate term.

(7) Parliament shall by law prescribe the procedure to be followed in the matter of election or nomination of women members under clause (6)."

3. In article 81 of the Constitution,—

(i) in clause (1), the words "subject to the provisions of article 331" shall be omitted;

(ii) after clause (2), the following clause shall be inserted, namely:—

"(2A) Out of total number of members chosen under clause (1), not less than one-third of the members so chosen from each State or Union territory shall be women:

Provided that such States and Union territories which have only two seats allotted to them in the House of the People shall elect atleast one woman member in every general election and such States or Union territories which have only one member shall elect a woman member in every alternate general election to the House of the People.";

(iii) after clause (3), the following clause shall be inserted, namely:—

(4) Parliament shall by law provide for rotation of one-third of the seats reserved for women in the House of the People."

4. In article 170 of the Constitution for clause (1), the following clause shall be substituted, namely:—

(1) The Legislative Assembly of each State shall consist of not more than five hundred and not less than sixty members, of whom not less than one-third shall be women, chosen by direct election from territorial constituencies in the State.

5. In article 171 of the Constitution,—

(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that not less than one-third of the members of the Legislative Council shall be women.";

(ii) in clause (5), the following proviso shall be inserted, namely:—

"Provided that not less than one-third of the members so nominated shall be women.";

6. Article 331 of the Constitution shall be omitted.

Omission of Article 331.

7. Article 333 of the Constitution shall be omitted.

Omission of Article 333.

8. In article 334 of the Constitution, the words "(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination," shall be omitted.

Amendment of Article 334.

9. Article 336 of the Constitution shall be omitted.

Omission of Article 336.

10. Article 337 of the Constitution shall be omitted.

Omission of Article 337.

Amendment of Article 81.

Amendment of Article 170.

Amendment of Article 171.

Omission of Article 331.

Omission of Article 333.

Amendment of Article 334.

Omission of Article 336.

Omission of Article 337.

STATEMENT OF OBJECTS AND REASONS

Women constitute nearly half the population of the country. Yet their participation in public affairs has been very marginal. This is not because women have been found wanting in their commitment to public service. On the contrary, whenever provided with opportunities, women have proved that they are no less public-spirited than men. Moreover, our history is replete with women who have played outstanding roles in every field of public endeavour. The fault lies with the men who have created the myth that women's primary role is the house and politics is a man's world. Economic dependence on men and illiteracy have been two other contributory factors that have provided disincentives to women to fight for their place in the decision-making processes in the country.

The Seventy-second and Seventy-third amendments to the Constitution have, among other things, provided reservation of not less than one-third of the seats in the gram panchayats and municipalities to women. In the absence of similar reservation, women have not been returned to the State Assemblies and to Parliament in sufficient numbers. The number of women members in the Lok Sabha has varied between 22 (4.2 per cent of the strength of the House) to 44 (8.1 per cent of the strength of the House), though the number of female candidates has varied between 45 in 1957 to 325 in the 1991 elections. If the voters have shown reluctance to vote for women candidates, the leadership of political parties has not fared any better. In the Rajya Sabha for which the elected legislators are the voters, in a House of 250, the strength of women has varied from 14 (5.8 per cent) to 29 (11.8 per cent).

Enabling women's participation in the decision-making processes is not merely a matter of empowerment. History provides evidence to the fact that women's emancipation has necessarily to come through the efforts and struggles of women. In India, the struggles for equality of sexes and for women's dignity are still to be fought and won. Towards this end, women must be provided special opportunity to become a part of the decision-making processes.

This Bill seeks to amend the Constitution to provide for not less than 33 per cent reservation of seats for women in both Houses of Parliament and in the State Legislative Assemblies and Legislative Councils.

The Bill also seeks to delete certain articles of the Constitution providing for reservations to Anglo-Indians which have become anachronistic or redundant.

NEW DELHI:
June 21, 1996.

GEORGE FERNANDES

BILL NO. 37 OR 1996

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This act may be called the Special Educational Facilities (for Children of Parents Living Below Poverty Line) Act, 1996.

Short title and extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government or the State Government, as the case may be;

(b) "parents living below poverty line" means all such parents whose income from all sources is less than rupees one thousand and five hundred per mensem; and

(c) "prescribed" means prescribed by rules made under this Act.

Facilities to
children born of
parents living
below poverty
line.

3. It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely: —

(a) free education from school level to the post-graduate level including higher medical and technical education;

(b) free hostel facilities, uniform, meals and such other assistance and facilities as are required for the proper education of children; and

(c) gainful employment to the child after he completes his education.

Scholarships

4. The appropriate Government shall provide scholarships upto a maximum of rupees one thousand and two hundred per annum, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.

Reservation of
seats in medical
and technical
colleges for
children born of
parents living
below poverty
line.

5. The appropriate Government shall reserve such percentage of seats of the total number of seats, as may be prescribed, in all medical and technical colleges and institutions for children born of parents living below poverty line.

Power to make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Nearly sixty per cent. of the total population of our country lives below the poverty line. Their income is meagre and they fight for their subsistence throughout their lives. They have a hand to mouth existence and cannot even think of getting elementary education which may enable them to read and write. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well as at the State level should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below the poverty line, that is to say, whose total family income is below one thousand and five hundred rupees per month, so that they could get proper education and have better job opportunities and are able to raise their standard of living. It will also be a major step in eradicating illiteracy from the country. It will also help such children to grow and compete with children of higher class.

Hence this Bill.

NEW DELHI;
June 27, 1996.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including higher medical and technical education, etc. by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, meals, etc. to such children. Clause 4 provides that the appropriate Government shall provide scholarships upto a maximum of rupees one thousand and two hundred per annum, in deserving cases, to such children. The Central Government has to bear the expenditure involved in respect of Union territories. The respective State Government shall bear the expenditure involved in respect of their States. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees one crore is likely to be incurred per annum.

A non-recurring expenditure of rupees one crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 19 OF 1996

A Bill to provide for free and compulsory education upto higher secondary level to all children throughout the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Education Act, 1996.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means the Central Government or the State Government, as the case may be;

(b) 'child' means a boy or a girl who has attained the age of five years but has not completed the age of seventeen years;

(c) 'economically weaker family' means a family consisting of the husband, wife and their unmarried children and whose total income from all sources does not exceed rupees one thousand per mensem;

(d) 'education' means education upto twelfth standard;

(e) 'parent' in relation to any child includes a guardian and every person who has the actual custody of the child;

(f) 'prescribed' means prescribed by rules made under this Act; and

(g) 'special school' means any institution which imparts education to the handicapped children.

3. The appropriate Government shall provide free and compulsory education to every child who is ordinarily residing within its jurisdiction.

4. The appropriate Government shall establish and maintain or cause to be established and maintained schools and special schools in requisite number throughout the country so as to provide education to every child.

5. It shall be the responsibility of every parent to get his child admitted to a school for receiving education and the parent shall not in any manner restrain the child from attending the school till he completes his education.

6. No person shall employ a child in such a job which prevents the child from attending school for receiving education.

7. The appropriate Government shall provide all necessary educational material, uniform and mid-day meals to every student who belongs to an economically weaker family.

8. (1) Any parent, who for any reason whatsoever, prevents, restrains or otherwise obstructs his child from receiving education, shall be liable to imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Any person other than a parent, who contravenes the provisions of section 6, shall be liable to imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Free and compulsory education.

Opening of new schools and special schools.

Responsibility of parent.

Employment not to obstruct education of children.

Facilities to economically weaker family.

Punishment.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Education lits the light of knowledge in a human being and removes the ignorance. That is why providing education to the citizens is the first priority of every country in the world. Article 41 of our Constitution contains a directive to the Government as to the provision of education and Article 45 stipulates free and compulsory education for children upto the age of fourteen years. But both articles which form part of the Directive Principles of State Policy have remained a dead letter so far although Article 45 of the Constitution had envisaged a period of ten years for introducing universal education system upto the age of fourteen years throughout the country. Similarly a number of State Legislatures have also enacted laws on the subject but these laws too have not been implemented despite their importance.

The present scenario in the country in this regard is that; largely children from economically weaker sections of the society and rural areas remain deprived of the education because either their parents are not in a position to provide the necessary educational materials such as books, note books, uniforms, shoes, writing material, etc. to their children because the prices of these materials are out of their reach or many of the parents are to some extent dependent upon the physical labour of their children or on the income arising therefrom, even though it may be very meagre. Unless the Union and State Governments come forward to help the economically weak parents in providing educational materials free of cost to their children, the goal of universal education will remain a distant dream for the country.

At the same time, if universal education is to be made a reality the number of senior secondary and other schools in the country have to be multiplied manifold. This can be done with the active cooperation between the Central Government, the State Governments and Private bodies.

Hence, it has been proposed that appropriate Government should establish sufficient number of higher secondary level schools and provide necessary educational materials free of cost to children of poor parents to make universal education a reality in the country.

NEW DELHI;
27 June, 1996.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for provision of free and compulsory education to every child who is between the age of five and seventeen years. Clause 4 provides for the establishment of new higher secondary schools and special schools by the appropriate Government. Clause 7 provides for provision of educational materials, etc., free in certain cases. Therefore, the Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore may be incurred per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules of carrying out the purposes of the Bill. The rules will relate to the matters of detail only.

The delegation of legislative power is of a normal character.

BILL NO. 24 OF 1996

A Bill to provide for welfare measures to be undertaken by the Union and State Governments for the ragpicking and vagabond street children who subsist on collecting and selling waste material from garbage dumps and other places endangering their health and lives and for their rehabilitation through education, training, vocational education and guidance and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Ragpicking and other Vagabond Street Children (Rehabilitation and Welfare) Act, 1996.

Short title
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "ragpicking child" means a child who collects waste papers, plastic items, glass and metal wastes from garbage dumps, street and public places like markets, etc. and sells his collection for his subsistence;

(e) "vagabond street child" means a child who wanders aimlessly in the streets, does not go to school due to inability of his parents to afford for his studies.

District-wise register of ragpicking and vagabond street children.

3. (1) The appropriate Government shall maintain a district-wise register of all ragpicking and vagabond street children.

(2) The register shall be maintained in such manner and shall contain such information as may be prescribed.

Shelters for orphan ragpicker and vagabond children.

4.(1) The appropriate Government shall establish such number of shelters as it may deem necessary for boarding and lodging of the orphan and homeless ragpickers and vagabond street children free of cost.

(2) The facilities in the shelters shall be such as may be prescribed.

Financial assistance to the families of ragpicking children.

5. (1) The family of every ragpicking child which subsists on the efforts of such child shall be given financial assistance by the appropriate Government at such rate and in such manner as may be prescribed to enable such child to attend school for studies or training in vocation.

(2) The financial assistance referred to in sub-section (1) shall not be given if the ragpicking child is not sent to school by his family.

Duty of parents, etc. to send ragpicking and vagabond street children to schools.

6. It shall be the duty of every parent, guardian or head of the family, or manager or in-charge of the shelters established under section 4 to send every ragpicking and vagabond street child to school for getting education or vocational training as per his calibre.

Schools and technical education institutes for ragpicking and vagabond street children.

7. (1) The appropriate Government shall open sufficient number of schools and technical education institutes on the pattern of model schools and industrial training institutes, respectively, at appropriate places for imparting education and training free of cost to ragpicking and vagabond street children.

(2) The ragpicking and vagabond street children attending the school and technical education institutes referred to in sub-section (1) shall be provided with books, writing materials, clothes including uniform, mid-day meals and other relevant articles free of cost by the appropriate Government.

Establishment of Ragpicking and Vagabond Street Children Welfare Fund.

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Ragpicking and Vagabond Street Children Welfare Fund, moneys into which shall be given by the Central Government after due appropriation made by Parliament from time to time and also by the Government of the States in such proportions and in such manner as may be prescribed.

(2) The Welfare Fund referred to in sub-section (1) shall be managed by the Central Government through the Governments of the States in such manner as may be prescribed.

Over-riding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding any thing inconsistent contained therewith in any other law for the time being in force.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are millions of children particularly in the urban areas of the country who subsist on ragpicking. They collect waste-papers, waste plastic material and metal scraps, etc. thrown by the households and traders in the dustbins or littered in the streets, roads, etc. and then sell their collections for few rupees to the *Kabadiwallahs* every day who thrive on their labour as these helpless children are paid lowly for their waste collections. Many of the ragpicking children do this job to support their poor families as they are unable to get any other job for various reasons. Many of them are forced to do this job either by the compelling circumstances or by their alcohol addict or drug addict parents/guardians. A number of ragpicking children are orphans who subsist on this profession. These ragpickers work under pathetic and unhygienic conditions. They wake up early in the morning and rush to one dustbin to other dustbin full of garbage and dangerous virus. They collect the refuse from the stinking garbage dumps and contact dangerous diseases like TB, Hepatitis, Plague, respiratory diseases and even cancer. Undeterred they carry on this job till they are eliminated from this cruel world. Many of them though talented remain illiterate and always remain hand to mouth. They do not even get two square meals and a pair of clothes to wear. They always live in abject poverty.

Similarly, there are vagabond street children who do nothing except roaming aimlessly. They belong to poor families who have no means to send them to schools. Many of the vagabonds have skill, productivity and ingenuity but they have no means to show it to the world.

It is true that in a welfare State like ours the children must enjoy their childhood. They should get nutritious diet, good education and training and good atmosphere so that they may grow as responsible citizens. Since the families of the ragpicking children or such children themselves cannot afford the luxuries of good diet, education and training, the State must come forward for the welfare of these helpless children for their proper development. The Government should establish shelters for such children and open schools and training institutes for them wherein apart from free education and training they should be provided dress, books, writing material and other things free of cost so that their future is shaped well.

Hence this Bill.

NEW DELHI;
June 27, 1996.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for maintenance of district-wise register of all ragpicking and vagabond street children. Clause 4 provides for the establishment of shelters for orphan ragpickers and vagabond street children. Clause 5 provides for the financial assistance to the families of ragpicking children. Clause 7 provides for the opening of schools and training institutes. Clause 8 provides for the establishment of Ragpicking and Vagabond Street Children Welfare Fund. As regards the expenditure involved in giving effect to the provisions of the Bill in the States, it shall be borne out of the Consolidated Funds of the respective States. However, in the case of Union territories, the expenditure shall be met out of the Consolidated Fund of India. The Central Government may also have to extend financial assistance to the State Governments for implementing the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees two hundred crore is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill which will relate to matters of details only. The delegation of legislative power is, therefore, of normal character.

BILL No. 39 OF 1996

A Bill to provide for population control through compulsory sterilisation of certain persons; measures for promoting small family norm and for matters connected therewith.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control Act, 1996.

Short title and
Commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, “appropriate Government” means the Central Government in relation to Union territories and the State Government in relation to a State.

Definition.

3. Either the husband or the wife in the case of every married couple who have two or more than two living children, on the date of coming into force of this Act, or whose second living child is born after the commencement of this Act, shall be required to undergo compulsory sterilisation:

Compulsory
Sterilisation.

Time gap between birth of two children.

Benefits to couple who opt to undergo sterilisation.

Introduction of subject relating to Population Control in educational Institutions.

Minimum age for marriage.

National Population Control Fund.

Utilisation of the fund.

Provisions relating to Central Government employees, etc.

Punishment.

Act to have over-riding effect.

Power to make rules.

Provided that the husband or wife shall not be required to undergo sterilisation if he or she is above the age of fifty years.

4. Subject to the provisions of this Act there shall be a gap of not less than five years between the birth of two children.

5. If either the husband or the wife in the case of a married couple, who have only one child on the date of commencement of this Act, voluntarily undergoes sterilisation, the appropriate Government shall provide them with the following benefits, namely:—

- (i) Supply of essential commodities such as wheat, milk, sugar, etc. at concessional rates.
- (ii) free education including higher education to the first child and to the second child, if any, born within one year from the date of commencement of this Act;
- (iii) suitable employment to such child after he completes his education; and
- (iv) such other benefits as may be prescribed by rules made under this Act.

6. The appropriate Government shall introduce a compulsory subject relating to population control in all educational institutions for all children who have attained the age of fifteen years, irrespective of class in which they are studying and the course they are pursuing.

7. No marriage shall be solemnised between a male who is less than twenty-five years of age, and a female who is less than twenty-two years of age.

8. (1) There shall be constituted a fund to be called the National Population Control Fund by the Central Government.

(2) The Central Government and every State Government shall contribute to the fund in such ratio as may be determined by the Central Government.

9. The fund constituted under section 8 shall be utilised for the following purposes, namely:—

- (i) giving of national population control award to that State or Union territory which has recorded least population growth rate during the year; and
- (ii) giving of national population control certificate to a person or an organisation which in the opinion of the Central Government, has contributed in awakening the masses towards importance of population control and adoption of various methods for population control.

10. (1) Any person who is serving in connection with affairs of the Union Government or in any undertaking or organisation under the control of the Union Government and who has only one living child or who has not procreated any child or who is unmarried on the date of coming into force of this Act, shall give an undertaking that he shall not procreate more than one living child.

(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as may be determined by the Central Government.

11. Any person violating the provisions of this Act shall be punished with rigorous imprisonment for a term which shall be not less than four years and with fine which shall be not less than rupees five thousand.

12. The provisions of this Act shall apply notwithstanding anything contained to the contrary in any other law for the time being in force.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Rapid increase in the population has given birth to many socio-economic problems like poverty, food and housing shortage, unemployment and environmental pollution. We are the second highest populous country after China. Even China has controlled the rapid growth in its population. It is estimated that our population by the end of this century will cross 100 crores. If the present trend continues, it will not be possible for us to recover from socio-economic problems which would occur due to rapid increase in population. It is, therefore, imperative that certain effective steps should be taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only if the size of the family is limited. Despite the existence of various birth control measures and various family planning programmes of motivating the people to accept these birth control methods, the problem of over population still remains.

The Bill, therefore, seeks to make sterilisation compulsory for all persons having two or more than two children. It also provides for certain measures like fixing the minimum age for marriages, minimum gap between two children, etc. for promoting small family norm in the future generation.

NEW DELHI;
June 27, 1996.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for certain benefits to be given to those who undergo sterilisation voluntarily. Clause 6 provides for introduction of compulsory subject relating to population control in all educational institutions. Clause 8 provides for establishing National Population Control Fund to which the Central Government shall also contribute. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union territories. The State Governments will incur expenditure in respect of their States out of their respective consolidated funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees ten crore out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 23 OF 1996*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

- | | |
|--|-------------------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1996. | Short title. |
| 2. In the Eighth Schedule to the Constitution,— | Amendment of
Eighth
Schedule. |
| (a) existing entries 3 to 13 shall be re-numbered as entries 4 to 14 respectively, and before entry 4 as so re-numbered, the entry "3, Bhojpuri." shall be inserted; | |
| (b) existing entries 14 to 18 shall be re-numbered as entries 16 to 20 respectively, and before entry 16 as so re-numbered, the entry "15, Rajasthani." shall be inserted. | |

STATEMENT OF OBJECTS AND REASONS

Rajasthani is a reach language. It has its own rich literature, grammar and glossary. It has all the qualities which are required in a modern Indian Language. It is a language of Aryans' family and its script is Devanagri. Like all other Indian languages, it is the daughter of Sanskrit. It has very close links with Hindi, Gujarati and Punjabi languages. It is the language of common man in Rajasthan and is also called Marwari language. Its ancient name is *Dingal*. This language has been recognised by the Sahitya Akademi as a literary language.

Rajasthani language is spoken by more than one crore people. It is also spoken by Rajasthani business community living out of Rajasthan.

As Rajasthani language has close links with Hindi language, its inclusion in the Eighth Schedule to the Constitution will also strengthen the Hindi language. Crores of Rajasthani people aspire to get their mother tongue included in the Eighth Schedule.

Bhojpuri is also a spoken language of most of the people of Bihar and Uttar Pradesh. It has its own rich literature and is also important from historical and cultural point of view. It has its vocabulary also. It is the long standing demand of the people that Bhojpuri be included in the Eighth Schedule to the Constitution.

NEW DELHI;
June 27, 1996.

RASA SINGH RAWAT

S. GOPALAN,
Secretary-General.